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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Second periodic reports of States parties due in 1988

Addendum

PERU*

[17 July 1991]

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* For the initial report submitted by the Government of Peru, see CCPR/C/6/Add.9; for its consideration by the Committee, see CCPR/C/SR.430, SR.431 and SR.435, or the Official Records of the General Assembly, Thirty-eighth session, Supplement No. 44 (A.38/44), paragraphs 855-890.

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INTRODUCTION

1. In compliance with the provisions of article 40 of the International Covenant on Civil and Political Rights, the Government of Peru submits to the Human Rights Committee its second periodic report on human rights, which gives special attention to the practical implementation of the rules relating to those rights, the observance and effective enjoyment of the rights set forth in the Covenant, the advances made and the difficulties encountered in implementing the Covenant.

2. The Government of Peru considers the following to be essential elements in its position on human rights:

(a) Unconditional respect for and promotion of human rights as an unwavering policy of the Government, through the exercise of the functions of the State and the rights of natural persons within the jurisdiction and legal framework of Peru;

(b) The improvement of the economic and social system with a view to the protection and full implementation of human rights and the elimination of obstacles to their enjoyment;

(c) The will to support and guarantee the effective exercise of civil and political rights and an effort to secure the enjoyment of economic, social and cultural rights by all Peruvians.

3. The Goverment considers that the situation of crisis reflects unresolved economic and social problems, which have weakened the social harmony that should exist among Peruvians and undermine the inherent dignity of the human being and relations among the population. In that regard, an unconditional respect for human rights is not only the responsibility of the State and the Government but of all citizens.

4. In Peru, respect for human rights is the acknowledgement of the right of the disadvantaged masses to development, social welfare, and the fulfilment of all their cultural and ethnic potential without any discrimination.

5. A fundamental political objective has been to eliminate any trace of arrogance or arbitrariness in accordance with the law and the attainment of the rights and duties of individuals in Peru. Consequently, the Peruvian Government has faithfully complied with the decisions adopted by the competent organizations, in conformity with the Constitution and the laws of Peru, abolishing systems, procedures or organizations that violate human rights.

6. In spite of the severe financial and economic constraints, much has been done to promote education, improve public health and increase the purchashing power of the poorest sectors of society. These efforts are all reflected in the foreign policy of Peru, and in its relations with international organizations and foreign countries.

TRENDS IN PERUVIAN LEGISLATION

7. The Peruvian legal system holds in ever greater respect and esteem the rights of the human person recognized by the international covenants and treaties on human rights. In the Peruvian legal system, there is a hierarchy of laws with the Constitution as the supreme law above all the others, followed by the laws of the Republic, together with the treaties and other international instruments which have been duly ratified by the Government of Peru; these are complemented by internal legislation and legal provisions at the second level.

8. The Political Constitution of Peru is the law of the land. It was ratified and promulgated by the Constituent Assembly on 12 July 1979 and entered into effect on 28 July 1980.

9. Title I of the Political Constitution of Peru, which contains eight chapters, deals with the rights of the individual, the family, social security, health and welfare, education, science and culture, employment, the civil service, political rights and individual rights; it gives extensive coverage to the principles and rights established in international covenants and treaties to which Peru is a party.

10. In chapter V concerning treaties, article 101 states that "International treaties concluded by Peru with other States form part of national law. In the event of conflict between the treaty and the law, the former shall prevail".

11. The sixteenth general and transitory provision of the Political Constitution of Peru states that "The International Covenant on Civil and Political Rights is ratified in all its provisions as well as the Optional Protocol to the International Covenant on Civil and Political Rights of the United Nations. The American Convention on Human Rights of San José, Costa Rica, including its Articles 45 and 62 dealing with the competence of the Inter-American Committee on Human Rights and of the Inter-American Court on Human Rights is also ratified".

12. As the Committee is aware, Peru has acceded to nearly all the major regional or international human rights instruments. This means, in the case of the Optional Protocol to the International Covenant on Civil and Political Rights and the Inter-American Convention on Human Rights, that Peru accepts the jurisdiction of the bodies established under those international instruments to examine whether the rights they contain are being fully and genuinely implemented.

INFORMATION CONCERNING ARTICLES 1 TO 4 AND 6 TO 27 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Article 1

13. There is complete compatibility between the International Covenant on Civil and Political Rights and article 79 of the Political Constitution of Peru, which establishes the legal and political organization of Peru.

14. The right to self-determination is of fundamental importance for the State of Peru because it constitutes a firm foundation for unconditional respect for human rights and for all the guarantees of the individual. That is why Peru has defended the right of peoples to self-determination in all international forums and rejects all forms of slavery and colonialism. Peru has supported all efforts and initiatives concerning the right of peoples to self-determination.

Article 2

15. Within the overall context of the unrestricted protection of individual rights, Peruvian law safeguards the concept of the complete equality of all persons before the law. This principle of equality has been a component of Peruvian constitutional law from the very outset and has been making headway steadily.

16. Article 2 (2) of the Constitution of the Republic provides that everyone has the right to equality before the law, without any discrimination on grounds of sex, race, religion, opinion or language.

17. With respect to paragraph 2 of the Covenant, it should be noted that Peru is engaged in a continuing process of bringing national legislation into line with international human rights standards. An important point to note is that the new Penal Code clearly defines any incitement to racial discrimination as an offence which it punishes by severe penalties.

18. Article 4 of the Peruvian Civil Code provides that men and women are equally entitled to enjoy and exercise civil rights.

19. Every Peruvian is entitled, under the Constitution and the laws of Peru, to exercise the rights set forth in the international covenants, agreements and conventions to which Peru is a party and may therefore submit complaints to the various courts and government bodies. In other words, he may have recourse to the courts of justice, municipalities, Parliment and international organizations, such as the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights and the Committee on the Elimination of Racial Discrimination.

20. Article 295 of the Political Constitution of Peru provides for the remedy of amparo which protects the rights of individuals as well as the right to individual freedom.

21. Under article 305 of the Political Constitution of Peru, anyone who considers that his constitutional rights have been infringed may, after exhausting domestic remedies, have recourse to international courts or bodies established under treaties to which Peru is a party.

22. Under article 2057 of the Civil Code, Peruvian courts are competent to hear cases against persons domiciled in Peru.

23. Title XVI of the Penal Code defines offences against the authorities of the State and the Constitutional order, in other words, the Code punishes the offences of rebellion, sedition and mutiny. Titles IV and XVI of the Penal Code list the offences against the popular will especially offences against the right to vote, violation of personal freedom, privacy, residence, confidentiality of communications, professional secrecy, freedom of employment and freedom of expression.

24. The Code of Penal Procedure guarantees mandatory compliance with the decisions of the Judiciary by punishing anyone who fails to respect them.

25. The legal system of Peru protects especially the right to life, to individual freedom and security. Consequently, the Political Constitution of Peru states that the individual is the supreme end of society and the state. Everyone has the obligation to respect and protect him. Article 2 provides that every individual has the right to life, to personal freedom and security. The death penalty was abolished in Peru in 1989 and the individual has available to him such remedies as habeas corpus, amparo, review and annulment.

26. Article 296 of the Constitution of the Republic establishes the Court of Constitutional Guarantees as the watchdog of the Constitution.

27. The National Council for Human Rights was established by Supreme Decree No. 012-86-JUS and is responsible for promoting, coordinating and advising the Executive on the protection and full implementation of the fundamental rights of the individual. Its duties include:

(a) Preparing reports on the human rights situation for submission to international organizations;

(b) Coordinating with international organizations on matters related to human rights;

(c) Examining and drafting legal standards to guarantee scrupulous respect for human rights inside the country and to improve existing legislation;

(d) Promoting knowledge of human rights and publications on the subject;

(e) Planning, organizing and carrying out activities related to the protection of human rights.

28. In the Congress of the Republic of Peru, there are two Justice and Human Rights Committees composed of parliamentarians from all the political parties which:

(a) Examine the situation in prison institutions with a view to improving the conditions of the inmates;

(b) Hear and investigate complaints of human rights violations submitted to the Committee and other human rights bodies;

(c) Conduct inquiries into complaints brought against Peru for violations of human rights.

Article 3

29. Article 2 (2) of the Political Constitution of Peru states that everyone has the right to equality before the law, without any discrimination on grounds of sex. The laws of Peru safeguard this right in all spheres, whether political, economic, employment or civil and prescribe equal opportunities for men and women.

30. Article 4 of the Civil Code guarantees that both men and women are equally entitled to enjoy and exercise their civil rights. The laws also regulate institutions, such as marriage, parental authority, the family, the joint ownership of property by husband and wife, which create a relationship of equality between men and women. In Peru, women have held the highest posts in public administration. They have been Government ministers, mayors of the capital, of the provinces, heads of the Office of the Controller General of the Republic, judges, etc.

31. There are many women university students and women work in private enterprises and in all the professions.

Article 4

32. With respect to article 4 of the Covenant, article 231 of the Political Constitution of Peru states that the President of the Republic, with the consent of the Council of Ministers, may decree states of exception for a specific period, in all or part of the territory, reporting to the Congress or to the Standing Committee.

33. Article 231 also refers to two situations warranting states of exception:

(a) A state of emergency, in the event of disturbances of the peace or internal public order, disaster or serious circumstances affecting the life of the Nation. Under no circumstances may the penalty of exile be imposed. The duration of a state of emergency may not exceed 60 days.

(b) A state of siege, in the event of invasion, foreign war or civil war or imminent danger of their occurrence; the individual rights which continue in force are specified. When a state of siege is declared, the Congress shall meet as a matter of law. Congress must approve the extension of a state of siege.

34. The states of emergency in Peru have been due mainly to subversive movements in certain areas of the country, which threatened the infrastructure of many public services and strikes which undermined the rather complex economic and social situation in Peru.

35. In most cases, shutdowns, strikes or similar work stoppages have been settled through ordinary legal procedures.

Article 6

36. The right to life has traditionally been given the highest priority in the Constitution and legislation of Peru. Article 1 of the Constitution indicates: "The individual is the supreme end of society and the state. Everyone has the obligation to respect and protect it". Article 2 (1) goes on to state that everyone has the right to life; this shows Peru's firm determination to protect this right and, by extension, to defend it in the international sphere.

37. Article 235 of the Constitution provides that the death penalty shall not be applied except for treason in a foreign war. In Chapter V, article 129 of the Penal Code punishes the crime of genocide by a penalty of not less than 20 years' imprisonment. The Government of Peru has constantly sought peace and harmony, nationally and internationally.

38. Notwithstanding the problems they have had to face with subversive groups that are probably linked with drug trafficking, the armed forces and police of Peru have scrupulously observed the law and the Constitution. The National Council for Human Rights is developing educational activities on human rights for the armed forces and police. The police in Peru are trained to respect the Constitution and the national and international rules and regulations concerning the right to life, to dignity, to physical integrity for all persons in detention or under investigation, in compliance with the legal procedures in force.

39. Complaints about alleged detentions and disappearances of persons are being investigated by the various human rights monitoring bodies. The Government of Peru has proposed that a national committee for the protection of human rights should be established, headed by a presidential comissioner with sufficient authority to guarantee respect for those rights in the social, economic and military spheres.

40. International financial problems resulting in economic constraints in recent years have weakened the health and education infrastructure and have prevented the full development of the welfare policy, especially for the low-income groups in Peru.

41. In respect of health, Peru has made every effort to develop campaigns to prevent endemic diseases by means of a network of health centres and through State hospitals which provide continuing and ambulatory treatment. The social security system offers a broad coverage complemented by a private sector health system. There is also the SECIGRA programme, a service which is provided by trained health workers.

Article 7

42. Regarding article 7 of the Covenant, article 234 of the Political Constitution of Peru provides that: "No one may be subjected to torture or to inhuman or humiliating treatment. Anyone may request the judge to order the immediate medical examination of a prisoner, an individual if the latter is believed to be subjected to ill-treatment."

43. Article 121, 128, 129, 376 and 425 of the Penal Code lay down the penalties for those authorities who sanction or carry out acts of torture in order to obtain testimony or to influence detainees.

44. It is the Government of Peru's policy to provide training in human rights for the police and the staff of prison institutions.

Article 8

45. Article 2 (20) (b) provides that everyone has the right to personal freedom and security. Consequently, no form of restriction on the liberty of the person is permitted, except in the cases provided by law. Slavery, servitude and the slave trade in all its forms are abolished.

46. In Chapter V, concerning work, article 42 of the Constitution provides that no one shall be obliged to perform personal services without his free consent and due remuneration. Article 43 states that every worker is entitled to fair remuneration. The ordinary working day is eight hours. The law specifies measures to protect working mothers. Article 49 indicates that payment of remuneration and social benefits to workers shall in all cases have priority over any other obligations of the employer.

47. The Constitution provides that the rights recognized as belonging to workers can never be relinquished and it guarantees their exercise. Any agreement to the contrary is null and void. In the interpretation of or in the case of any doubt about the scope and content of any provision on employment matters, the interpretation most favourable to the worker shall be applied. Compliance with these standards is safeguarded by the employment tribunals and the Government authorities.

Article 9

48. With respect to article 9 of the Covenant, article 2 (20) of the Political Constitution of Peru prescribes that everyone has the right to personal freedom and security. Consequently:

(a) No one is obliged to do what the law does not require nor prevented from doing what it does not prohibit.

(b) There is no debtor's prison and no crime of opinion.

(c) No one may be arrested except on the authority of a written and substantiated warrant, issued by a judge or by the police authorities in the case of an offender taken flagrante delicto

(d) The person arrested must be brought before the competent court within 24 hours, or as soon as distance permits.

(e) In Peru there is a policy of decriminalizing the inmates of prison institutions.

(f) No one may be removed from a jurisdiction predetermined by law or subjected to procedures different from those previously established or tried by special courts or special commissions created for that purpose, whatever their designation.

(g) Amnesties, pardons, dismissals of proceedings and prescription have the force of res judicata.

49. In respect of constitutional guarantees, article 295 of the Constitution stipulates that any action or omission by any authority, official or individual which undermines or threatens individual liberity is ground for an action for habeas corpus. Article 305 of the Constitution states that anyone who considers that his constitutional rights have been infringed may, after exhausting domestic remedies, have recourse to international courts or bodies established under treaties to which Peru is a party.

50. It can therefore be seen, that the Political Constitution and laws of Peru are fundamentally oriented towards respect for personal freedom and security.

Article 10

51. Article IX of the General Principles of the Penal Code indicates that the purpose of punishment is prevention, protection and social rehabilitation. Security measures seek to reform, protect and rehabilitate. The National Prison Institute of Peru works to achieve the overall rehabilitation of inmates and to prepare them for reintegration into society. It also seeks to prevent recidivism and to reduce criminality.

52. The Peruvian Penal Code is fully in line with the international covenants regarding respect for the right of citizens who have been deprived of their freedom and allows a penalty to be commuted to community service or a fine.

Article 11

53. This provision of the Covenant is confirmed in article 2 (20) of the Constitution which provides that everyone has a right to personal freedom and security. Consequently, (subparagraph (c)) there is no debtor's prison. The principle does not affect court orders for non-fulfilment of maintenance obligations.

Article 12

54. With regard to this provision of the Covenant, article 2 (9) of the Constitution states that everyone has the right to choose freely his place of residence, to travel through the national territory, to leave it and enter it,

subject to restrictions imposed for reasons of public health, and may only be expelled or removed from his place of residence by a court order or by application of the Aliens' Act.

Article 13

55. Except for political rights, aliens in Peru enjoy the same rights as Peruvians. These issues are regulated in the Aliens' Act. All kinds of facilities are extended to foreigners in order to attract their technology and capital. Because of its natural and human resources and its situation, Peru is a country where rapid progress can be made.

56. In Peru, the inflow and outflow of foreign currency and the repatriation of profits abroad have been liberalized.

57. The Aliens' Act provides that foreign citizens may be expelled only if they engage in acts that contravene the law, morals, decency and the security of the State.

58. Article 108 of the Constitution recognizes political asylum. It accepts the description of the refugee granted by the host Government. If it is decided to deport a political refugee, he is not handed over to the country whose Government is persecuting him.

Article 14

59. The principles set forth in article 14 of the Covenant are confirmed in the laws of Peru and the Constitution, article 2 (20) (b), of which provides that every individual is entitled to personal freedom and security; consequently an individual is considered innocent as long as he has not been found guilty by a court.

60. Similarly, article 233 concerning the guarantees of the administration of justice provides that criminal trials shall be public; that courts may deliberate in private in the presence of all its members but voting is public. Only for reasons of morality, public order or national security, or when the interests of minors or the private lives of the parties are involved, or when publicity may prevent the proper administration of justice, may the court by the unanimous decision of its members, rule that the trial or part of it, shall be held in private. Trials in which the defendants are public officials, those involving press offences or those relating to fundamental rights guaranteed by the Constitution are always public.

61. Article 233 (5) provides for compensation for judicial errors committed in criminal trials, in the manner prescribed by the law. It provides further that no one shall be punished without trial or deprived of the right of defence at any stage of the proceedings. The State provides a free defence for persons with limited resources. It establishes the right not to be sentenced in absentia.

62. Article 233 (11) prohibits the reopening of closed cases. No one may be retried for acts for which he has been acquitted or convicted in an enforceable sentence. It should be pointed out that Peruvian legislation establishes the right of everyone to use his own language. If necessary, the judge or court arranges for an interpreter to be present.

63. The Government of Peru respects the principles of the jurisdictional function of the Judiciary and the guarantees provided for defendants and defence counsels. In this, it is providing the Judiciary with the financial resources envisaged in the Constitution in order to secure the maximum improvement in the administration of justice.

Article 15

64. Concerning article 15 of the Covenant, the Political Constitution of Peru establishes the right to personal freedom and security. Article 2 (20) (d) specifies that no one shall be tried or convicted for an act or omission which at the time when it took place was not expressly and unequivocally laid down by the law as a punishable offence, or be sentenced to a penalty not established by law.

Article 16

65. Article 1 of the Constitution provides that the individual is the supreme end of society and of the State. Everyone has the obligation to respect and protect him. Article 1 of the Civil Code states that the individual is the subject of law from the moment of birth. Human life begins with conception. The unborn child is a subject of law for the purposes of all provisions working to his advantage. The assignment of patrimonial rights is contingent upon live birth.

66. As provided in article 3 of the Civil Code, every individual is entitled to civil rights. Article 5 highlights that the right to life, to physical integrity, freedom, honour and the other rights inherent in the human person cannot be relinquished and may not be transferred. Their exercise may not be subject to any voluntary restraint. The disposing of one's body is in order if in accordance with the orders of a doctor or surgeon or if on humanitarian grounds and regulated by the relevant law. In cases where a punishment has been pronounced against a pregnant woman which may affect the health or life of her unborn child, it shall be postponed until after she has given birth.

67. Everyone has the right and the duty to have a name. This includes surnames, in accordance with article 19 of the Peruvian Civil Code. The political, civil, economic, cultural and educational rights of the individual are specified in the Constitution and Peruvian laws and shall be exercised without any discrimination on grounds of race, sex, religion, opinion or language.

Article 17

68. The Government of Peru respects the provisions of the Constitution, article 2 (5) of which provides for the right of everyone to honour and a good reputation, to personal and family privacy and to self-esteem. An individual

whose honour has been impugned by inaccurate or invidious assertions in any social communication medium publications is entitled to have a correction printed free of charge, without prejudice to legal liability.

69. Article 2 (7) establishes that everyone has the right to inviolability of his home. No one may enter it or undertake investigations or searches without the authorization of the individual residing in it or by court order, except in the case of flagrante delicto or imminent danger of commission of crime. Exceptions for reason of public health or serious risk are regulated by law. Article 2 (8) lays down the right to inviolability and secrecy in respect of private papers and communications. Correspondence may be seized, intercepted or opened only by order of a magistrate, stating the reasons being given and subject to the guarantees provided by law. Confidentiality is maintained in respect of matters unrelated to the question which motivated the inspection. The same principle is observed in respect of telegraphic and cable communications. Interference with telephone communications is forbidden. Letters and other private documents obtained in violation of this principle are not legally admissible.

70. Articles 130 to 138 of the Penal Code of Peru punishes the offences of insult and defamation, articles 154 to 158 punish the violation of privacy, articles 159 to 160 punish the violation of the home and articles 161 to 164 punish the violation of secrecy in respect of communications.

Article 18

71. Article 2 (3) of the Political Constitution of Peru provides that everyone has the right to freedom of conscience and religion in individual or collective form. There can be no persecution on grounds of ideas or beliefs. The public exercise of all faiths is free, provided it does not offend morals or disturb the public order.

72. The Government of Peru scrupulously respects all religious beliefs and allows their expression within the framework of the law.

Article 19

73. Freedom of opinion and of the press is well established in Peru and is guaranteed in article 2 (4) of the Constitution which provides that everyone has the right to freedom of information, opinion, expression and the diffusion of ideas through words, writing, or image, by any social communication medium, without prior authorization, censorship or impediment of any kind, subject to liability under the law.

74. Any offences committed through books, the press and other social communication media are characterized in the Penal Code and are judged according to ordinary law. Any action to suspend or close any organ of expression or prevents its free circulation is also an offence. The rights to inform and to an opinion include those of establishing communication media.

75. The Government of Peru strictly observes the principles of the Constitution, especially those regarding the right to freedom of opinion and expression and, by extension, the International Covenant on Civil and Political Rights.

76. Article 169 of the new Penal Code in Peru provides that any public official who, abusing his position, suspends or closes any social communication media or prevents its circulation or dissemination will be punished by a penalty of not less than three years' and no more than six years' imprisonment and disqualification.

Article 20

77. The preamble of the Political Constitution of Peru draws attention to the brotherhood of all men and the need to reject the use of violence as a means of seeking a solution to domestic and international conflicts. Furthermore, article 62 stipulates that every individual has the duty to live in peace, to respect the rights of others and to contribute to the attainment of a just, fraternal and united society. Article 79 states that Peru is a democratic, social, independent and sovereign republic based on work.

78. The Government of Peru values peace and universal harmony and article 88 of the Constitution affirms that the State rejects any form of imperialism, colonialism, neocolonialism and racial discrimination. It is united with the oppressed peoples of the world.

79. Article 316 of the Penal Code prescribes that anyone who publicly defends an offence or a person convicted as its author or accomplice shall be punished by not less than one year's or more than four years' imprisonment. If that defence becomes an offence against public security and order or against the State authorities and national defence or against the State authorities and the constitutional order, the penalty shall be not less than four years' or more than six years' imprisonment.

Article 21

80. Peru recognizes the right of peaceful assembly and establishes it in article 2 (10) of the Political Constitution which stipulates that everyone has the right to meet peacefully, without weapons. Meetings, whether in private or in places open to the public, do not require prior notification. Those convened out of doors require prior notification to the authorities, which may prohibit them only for sound reasons of security or public health.

81. The provisions of the Peruvian legal system are being brought into line with the provisions of the international covenants and treaties on human rights. For example, in the new Penal Code promulgated on 3 April 1991, article 315 provides that anyone taking part in a disorderly meeting, in which violence is collectively committed against persons or property, will be punished by not more than six years' imprisonment.

82. Article 166 of the new Penal Code provides that anyone who uses violence or threats to prevent or disrupt a lawful public meeting will be punished by not more than one year's imprisonment and a fine of 70 to 90 days' income.

Article 167 of the Penal Code also provides that any public official who, abusing his position, fails to authorize and guarantee, or who prohibits or prevents a public and legally convened meeting will be punished by not less than two years or more than four years' imprisonment and disqualification for a period of one to two years.

Article 22

83. The right of everyone to freedom of association with others is confirmed under Peruvian law. Thus, article 2 (11) of the Constitution provides that everyone is entitled to freedom of association and to establish foundations with lawful goals, without prior authorization. Article 51 of the Constitution provides that the State recognizes the right of workers to form trade unions without prior authorization. No one is obliged to become a member of a trade union or prevented from doing so. Trade union organizations have the right to create higher organs, but the establishment, operation and administration of trade union organizations may not be impeded or prevented.

84. In article 52 of the Constitution, the State recognizes that workers who are not dependent on a labour relationship may organize themselves for the defence of their rights. Where pertinent, provisions that regulate trade unions are applicable to them.

85. Article 61 of the Constitution recognizes the rights of public servants to form trade unions and to strike. This provision is not applicable to State officials who have decision-making power or who occupy positions of trust or to members of the armed forces or the police.

86. Article 168 of the Penal Code punishes by imprisonment of not more than two years' imprisonment anyone who uses violence or threats to compel anyone to carry out any of the following acts:

(a) Join or not join a trade union;

(b) Perform personal services without due remuneration;

(c) Work without the conditions of industrial safety and hygiene set by the authorities;

(d) Conclude an employment contract or purchase raw materials or industrial or agricultural products.

87. Under article 80 of the Civil Code, an association is a stable organization of natural or legal persons, or of both, which pursues a common non-profit-making activity.

Article 23

88. Article 5 of chapter II concerning the family, of the Political Constitution of Peru, provides that the State protects marriage and the family as the natural society and fundamental institution of the nation.

89. Article 234 of the Civil Code states that marriage is a voluntarily agreed union between a legally competent man and woman and is formalized, subject to the provisions of the Code for the purpose of living together. In the home, husband and wife have equal authority, consideration, rights, obligations and responsibilities. Article 244 of the Civil Code provides that in order to enter into marriage, minors require the formal consent of their parents. Any difference of opinion between the parents is equivalent to consent.

Article 24

90. The Code of Minors, promulgated on 2 May 1962 in exercise of the authority contained in Act No. 13968, entered into force on 1 July 1962. Article 3 makes provision for effective and coordinated action at the national level to promote extensive and comprehensive assistance to minors, without any discrimination on grounds of sex, race, national or social origin.

91. Under article 2 (1) of the Constitution, everyone is entitled to life, his own name, physical integrity and the free development of his personality. The unborn child is considered to have been born for the purposes of all provisions working to his advantage.

92. Article 6 of the Constitution provides that the State protects responsible parenthood. It is the duty and right of parents to feed, educate and provide security for their children just as children have the duty to respect and assist their parents. All children have equal rights. Any reference to the status of the parents and the nature of the filiation of the children in the civil registries or on any identification document is prohibited. Article 8 of the Constitution provides that children, adolescents and the aged are protected by the State from economic, physical or moral neglect.

93. Article 89 of the Constitution provides that individuals born on the territory of the Republic are Peruvians by birth. It is presumed that the children of unknown parents were born in Peru.

94. Articles 114 to 120 of the Penal Code punish the crime of abortion.

Article 25

95. The Political Constitution of Peru provides broad guarantees for the political rights of Peruvians. Article 64 establishes that citizens have the right to participate in public affairs, directly or through representatives freely chosen at periodic elections and in accordance with the conditions determined by the law. Any act by which a citizen or party is barred or restricted from participating in the nation's political life is null and void and punishable.

96. Article 65 of the Constitution provides that Peruvians over 18 years of age are citizens. In order to exercise their right of citizenship, they must be listed in the electoral register. All citizens who enjoy civil capacity have the right to vote. The vote is personal, equal, free, secret and mandatory up to the age of 70. After that age it is optional. In elections for the selection of several persons, there is proportional representation, according to the system established by the law.

97. Articles 354 to 360 of the new Penal Code punishes offences against the right to vote. In this way, the Government of Peru fully guarantees the will of the people.

98. There is genuine respect for democracy. The only restrictions on the right to vote apply to the armed forces and the police. No other disqualifications exist or may be created.

99. The National Elections Tribunal is responsible for elections. Article 68 of the Constitution states that the political parties are an expression of democratic pluralism. They assist in the formation and expression of the popular will. They are a fundamental tool for the political participation of the citizens. Their foundation and the exercise of their activity are free, within the framework of the Constitution and the law. All citizens who are entitled to vote have the right to join political parties and participate democratically in them.

100. Articles 179, 180 and 183 of the Constitution also guarantee that the Congress may investigate the Executive.

Article 26

101. Article 2 (2) of the Constitution provides that everyone has the right to equality before the law, without any discrimination on grounds of sex, race, religion, opinion or language.

102. Article 4 of the Civil Code provides that men and women have equal capacity to enjoy and exercise their civil rights.

103. Article 64 of the Constitution establishes the enjoyment and exercise of political rights, by men and women without any distinction.

104. In the economic sphere, the Government of Peru promotes economic development with the aim of improving the well-being of the population, by encouraging the free participation of natural and legal persons, national as well as foreign.

105. Concerning social security, article 12 of the Constitution provides that the State guarantees the right of everyone to social security. The law regulates progressive access to it and its financing.

106. In respect of taxes, a progressive tax policy has been established, in which the percentage of taxes is proportionately higher for those who earn higher incomes, in accordance with a principle of justice whereby those who gain more contribute more to the financing of the State.

107. Article 43 of the Constitution guarantees to workers the right to a fair remuneration that will procure material well-being and spiritual development for them and their family. Workers of either sex are entitled to equal pay for equal work performed in identical conditions for the same employer.

108. Article 21 of the Constitution states that the right to education and culture is the inherent right of every human being. The purpose of education is the overall development of the personality. It draws on the principles of social democracy. The State recognizes and guarantees freedom of education.

Article 27

109. Unconditional respect for the rights of ethnic, religious and linguistic minorities in Peru is fully guaranteed by article 161 of the Constitution, which provides that peasant and indigenous communities have a legal existence and legal capacity. Their organization, community work, and use of the land as well as their economic and administrative organization are autonomous, within the framework established by law.

110. In Peru there is freedom of worship and article 86 of the Constitution provides that the State has the authority to establish forms of cooperation with all religious denominations, in a system which is independent and autonomous.

111. Article 34 of the Constitution provides that the State preserves and encourages manifestations of autonomous culture as well as characteristic and authentic aspects of national folklore, popular art and handicrafts.

112. Article 35 of the Constitution provides that the State shall encourage the study and knowledge of aboriginal languages. It also guarantees the right of the Quechua, Aymara and other indigenous communities to primary education in their own language or tongue.